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**UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA**

19 JOHN E. ASHCRAFT

20 Plaintiff,

21 v.

22 WELK RESORT GROUP, CORP;
23 EXPERIAN INFORMATION SOLUTIONS,
24 INC.,

24 Defendants.

Case No. 2:16-cv-02978-JAD-NJK

**STIPULATION AND ORDER TO EXTEND
DISCOVERY DEADLINES**

[Second Request¹]

¹ This is the parties' second request to extend discovery deadlines in this matter since the Court issued a scheduling order after granting Plaintiff's Motion for Leave to File Amended Complaint, allowing Plaintiff to assert class allegations. *See* ECF Nos. 77, 80.

1 Pursuant to LR 6-1 and LR 26-4, Plaintiff John E. Ashcraft (“Plaintiff”) and Experian
2 Information Solutions, Inc. (“Experian”), by and through their respective counsel of record,
3 hereby stipulate and request that this Court extend all case deadlines by ninety (90) days. In
4 support of this Stipulation and Request, the parties state as follows:

5 **I. DISCOVERY COMPLETED TO DATE**

6 Presently, the active parties to this case are Plaintiff and Experian Information Solutions,
7 Inc. (“Experian”), and as such, the recitation of discovery shall be with respect to Plaintiff and
8 Experian.

- 9 1. On December 22, 2016, Plaintiff filed this Complaint. ECF Dkt. 1.
- 10 2. On February 7, 2018, Experian answered. ECF Dkt. 5.
- 11 3. On February 21, 2017, the Court entered the parties’ proposed protective order.
12 ECF Dkt. 10, 11.
- 13 4. On February 21, 2017, the Court entered the parties’ proposed discovery plan and
14 scheduling order. ECF Dkt. 12.
- 15 5. On March 19, 2017, Experian responded to Plaintiff’s First Requests for
16 Production and First Set of Interrogatories.
- 17 6. On March 29, 2017, Plaintiff responded to Experian’s First Requests for
18 Production, First Requests for Admissions and First Set of Interrogatories.
- 19 7. On April 19, 2017, Experian filed its motion to consolidate or limit depositions.
20 ECF Dkt. 15.
- 21 8. On May 1, 2017, the Court denied Experian’s motion to consolidate or limit
22 depositions. ECF Dkt. 23.
- 23 9. On May 3, 2017, Plaintiff took the 30(b)(6) deposition of Experian.
- 24 10. On May 9, 2017, Plaintiff filed a Motion for Leave to File First Amended
25 Complaint. ECF Dkt. 24.
- 26 11. On June 19, 2017, Experian responded to Plaintiff’s First Set of Requests for
27 Admission, Second Set of Requests for Production, and Second Set of Interrogatories.
- 28

1 12. On June 22, 2017, the Court stayed all case deadlines until July 14, 2017 to permit
2 the parties time to resolve a discovery issue arising in connection with Experian's deposition,
3 and denied Plaintiff's motion for leave to amend without prejudice. ECF Dkt. 29.

4 13. On July 10, 2017, Plaintiff filed a re-urged motion for leave to amend. ECF No.
5 30.

6 14. On July 10, 2017, Plaintiff moved to strike Experian's errata sheet. ECF Dkt. 31.

7 15. On September 13, 2017, Plaintiff served deposition and document subpoenas on
8 third party Welk Resort Group, Corp. ("Welk").²

9 16. Between October 30, 2017 and December 22, 2017, Welk returned documents
10 responsive to Plaintiff's document subpoena.

11 17. On November 8, 2017, this Court granted Plaintiff's Motion to Strike, and denied
12 without prejudice Plaintiff's Re-Urged Motion for Leave to File First Amended Complaint. ECF
13 Dkt. 64, 65.

14 18. On December 11, 2017, Plaintiff conducted the 30(b)(6) deposition of Welk.
15 On November 16, 2017, Plaintiff re-filed his Re-Urged Motion for Leave to File First
16 Amended Complaint. ECF Dkt. 66.

17 19. On November 22, 2017, Experian objected to the Magistrate Judge's Order on
18 Plaintiff's motion to strike. ECF Dkt. 68.

19 20. On January 10, 2018, the Court granted Plaintiff's Re-Urged Motion for Leave to
20 File First Amended Complaint. ECF Dkt. 77. Following the Court's Order, Plaintiff filed his
21 First Amended Complaint on January 11, 2018. ECF Dkt. 78. Experian answered the First
22 Amended Complaint on January 25, 2018. ECF Dkt. 81.

23 21. On January 17, 2018, the Court granted the parties' Stipulation for First
24 Supplemental Discovery Plan and Scheduling Order. ECF Dkt. 80.

25 22. On February 20, 2018, Experian responded to Plaintiff's Second Set of Requests
26 for Admission and Third Set of Requests for Production.

27
28 ² At the time the subpoena was served, Welk had been terminated from the case.

1 23. On March 29, 2018, Experian responded to Plaintiff's Fourth Set of Requests for
2 Production.

3 24. On May 15, 2018, the Court denied the parties' stipulation for extension of, *inter*
4 *alia*, the expert deadlines. ECF Dkt. 87.

5 25. On May 17, 2018, the parties exchanged expert disclosures.

6 26. On May 20, 2018, Plaintiff sent Experian and Rule 26-7 letter on its responses to
7 Plaintiff's written discovery, as well as other issues, and requested that the parties confer no later
8 than May 23.

9 27. On June 6, 2018, Experian sent Plaintiff a written response to Plaintiff's 26-7
10 letter.

11 28. On June 15, 2018, Experian served its First Amended Notice of Deposition on
12 Plaintiff, which was to take place on June 27, 2018.

13 29. On June 18, 2018, Experian served its rebuttal expert disclosure.

14 30. On June 18, 2018, Plaintiff served document and deposition subpoenas on
15 Experian's expert, setting the deposition for July 10, 2018, and rescheduling for July 13, 2018, to
16 accommodate witness availability.

17 31. On June 20, 2018, Plaintiff and Experian conferred on the contents of Plaintiff's
18 26-7 letter. Although a follow-up conference was scheduled for June 21, this conference was
19 cancelled and another conference was to be held early the following week.

20 32. Throughout the discovery period, both Plaintiff and Experian have supplemented
21 their document productions and Rule 26 disclosures.

22 **B. SPECIFIC DESCRIPTION OF DISCOVERY THAT REMAINS TO BE**
23 **COMPLETED**

24 1. The deposition of Plaintiff, scheduled for June 27, 2018;

25 2. Depositions of any remaining witnesses, including but not limited to expert
26 witnesses and other corporate representatives, as may be necessary;

27 3. Any necessary additional written discovery and supplementation of discovery
28

1 requests already propounded, which may include but is not limited to identification of Experian's
2 system capacities, and the individuals who assisted in Class-related searches.³

3 **C. REASONS WHY THE REMAINING DISCOVERY WAS NOT COMPLETED**

4 At this juncture, the discovery close date is July 16, 2018. Experian and Plaintiff
5 conferred on Plaintiff's May 20, 2018 written discovery requests on June 20. A follow-up
6 conference was scheduled for June 21, but was postponed because Experian's counsel's
7 previously-scheduled appearance in court ran long, although the parties have agreed to continue
8 conferring early next week.

9 During the parties' first conference, Experian suggested that it could obtain a portion of
10 information related to Plaintiff's Requests for Admissions, but would require additional time to
11 complete this process. Experian suggested a two-stage process in which it would first obtain a
12 list of customers who currently display a public Chapter 7 or Chapter 13 bankruptcy record,
13 which Experian estimated would take 3-4 weeks. Plaintiff suggested that this search could be
14 conducted with reference to the on-file information in Experian's DR Logs, although no
15 resolution has yet been reached on this point.

16 From this point, Experian stated that it should be able to filter down the responses to
17 determine the number of consumers who disputed any account during the relevant time
18 period. This process, which involves a combination of automated and manual review, would
19 take an additional 3-4 weeks. Although Experian claimed that any further steps in answering
20 Plaintiff's Requests for Admissions would require manual review, Plaintiff and Experian
21 disagree on this point, which will be part of the subject of subsequent discussions. Regardless,
22 the parties agree they will likely need to expeditiously resolve any discovery issues related to
23 Experian's claimed inability to proceed further with its investigation if the deadline is extended.

24 A 90-day extension of time permits Experian the time it needs to conduct the above-
25 described searches, as well as to conduct any further inquiries the parties may agree upon related
26

27 ³ Notably, Experian has not agreed that any such discovery is necessary or appropriate,
28 only that *Plaintiff* asserts it is, and Experian reserves all rights in connection therewith.

1 to those returns. The parties have worked in good faith to resolve their discovery disputes
2 informally, and believe further progress can be made towards that end. The parties have good
3 cause to extend the deadline. Plaintiff propounded his 26-7 letter on Experian on May 20, to
4 which Experian responded in writing on June 5, 2018.⁴ The parties conferred on June 20, with a
5 follow-up conference to be conducted early next week. Extending discovery will permit the
6 parties to come to resolution of Experian's search for class members without the necessity of
7 seeking court involvement.

8 For all of these reasons, the parties request that the Court grant this request for an
9 extension of time.

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27 ⁴ The parties reserve all rights set forth in their respective correspondence.
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D. PROPOSED DISCOVERY DEADLINES

	<u>Prior Deadlines</u>	<u>Proposed Deadlines</u>
Discovery Cut-Off:	July 16, 2018	October 15, 2018 (90 days from prior deadline) ⁵
Initial Expert Disclosures	May 17, 2018	Same
Rebuttal Expert Disclosures	June 18, 2018	Same
Motion for Class Certification	August 15, 2018	November 14, 2018 (30 days after the close of discovery)
Opposition to Motion for Class Certification	September 14, 2018	December 14, 2018 (32 days after Motion for Class Certification deadline)
Dispositive Motions	August 15, 2018	November 13, 2018 (30 days after the close of discovery)
Pre-Trial Order	September 14, 2018	December 14, 2018 (32 days after the deadline to file dispositive motions, or 30 days after dispositive motions) ⁶

Dated this 22nd day of June, 2018.

/s/ Miles N. Clark

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**NO FURTHER EXTENSIONS
TO THE DISCOVERY CUTOFF
WILL BE GRANTED.**

ORDER

IT IS SO ORDERED.

Dated: June 26, 2018


UNITED STATES MAGISTRATE JUDGE

⁵ October 14, 2018 is a Sunday.

⁶ January 12, 2019 is a Saturday.